

**Notice of Allowability**

Application No.

10/621,741

Examiner

Delia M. Ramirez

Applicant(s)

SAXENA, SHAILENDRA K.

Art Unit

1652

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/31/2007.
2. ☒ The allowed claim(s) is/are 57-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

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## DETAILED ACTION

### *Status of the Application*

Claims 4-59 are pending.

The examination of the instant application has been assigned to a different Examiner in Group Art Unit 1652.

Cancellation of claims 1-3 and addition of claims 58-59 as submitted in a communication filed on 1/31/2007 is acknowledged.

In a telephone conversation with Mr. Mark Jay on 2/12/2007, an agreement was reached to amend claims 57-59 to place the application in condition for allowance.

### *Examiner's Amendment*

1. This application is in condition for allowance except for the presence of claims 4-56 directed to inventions non-elected without traverse in a communication filed on 12/21/2005. Accordingly, claims 4-56 are hereby cancelled.
2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this Examiner's amendment was given in a telephone interview with Mr. Mark Jay on 2/12/2007.
4. Please replace claims 57-59 as follows:
  57. A vector containing the DNA of SEQ ID NO: 2 encoding the ribonuclease of SEQ ID NO: 1.

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58. A pET11d plasmid vector containing the DNA of SEQ ID NO: 2 encoding the ribonuclease of SEQ ID NO: 1.

59. A pET22b plasmid vector containing the DNA of SEQ ID NO: 2 encoding the ribonuclease of SEQ ID NO: 1.

### *Reasons for Allowance*

5. The following is an Examiner's statement of reasons for allowance. Although the prior art discloses the ribonuclease of SEQ ID NO: 1 (Ardelt et al., U.S. Patent No. 6239257, SEQ ID NO: 1; cited in previous Office actions), the Examiner has found no teaching or suggestion in the prior art directed to the nucleic acid of SEQ ID NO: 2. Also, plasmids pET11d and pET22b are commercially available and sold by NOVAGEN. Therefore, claims 57-59 directed to vectors comprising the nucleic acid of SEQ ID NO: 2, are allowable over the prior art of record.

### *Conclusion*

6. Claims 57-59 are allowed.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571)

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272-0928. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



Delia M. Ramirez, Ph.D.  
Patent Examiner  
Art Unit 1652

DR  
February 12, 2007

DELIA M. RAMIREZ, PH.D.  
PRIMARY EXAMINER